



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,084	05/06/1999	PERETZ MOSHES FEDER	5-5-1	3001

7590

04/22/2004

HARNESS, DICKEY & PIERCE, P.L.C.
P. O. BOX 8910
RESTON, VA 20195

EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 04/22/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,084

Applicant(s)

FEDER ET AL.

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 2 and 4-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 3, 8, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Whitehead**.

Regarding claim 1, Whitehead discloses a method of transmitting over a wireless link, the method comprising: adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs (implied by "WAIT FOR ACKNOWLEDGMENT", step 434, Fig. 4), and one of a number of ACKs lost and a number of ACKs received for radio transmissions over the wireless link, the number of expected ACKs is N (ACK received, step 450 leads to baseline transmit power level being decreased by value delta, see col. 5, lines 45-50, and timeout or NACK leads to increasing the baseline transmit power by delta value, col. 5, lines 25-46). See Fig. 4.

Regarding claim 3, Whitehead further discloses determining an initial transmit power for the wireless transmitter based on a measurement of a signal received over the wireless link (see col. 4, line 62 to col. 5, line 3).

Regarding claim 8, Whitehead discloses a method of transmitting over a wireless link, the method comprising: adjusting a transmit power of a wireless transmitter based upon a predetermined threshold, the predetermined threshold being in relation to a number of ACKS lost (negative acknowledgment – NACK)/ expected number of ACKs (step 434, Fig. 4), for radio transmissions over the wireless link (see col. 5, lines 25-50).

Regarding claim 9, Whitehead discloses a method of transmitting over a wireless link, the method comprising: adjusting a transmit power of a wireless transmitter based on a number of ACKs expected (implied by step 434) for transmission over the wireless link, the ACKs expected based on at least one of frames and packets set (see col. 2, line 62 to col. 3, line 24). See Fig. 4

Regarding claim 10, Whitehead further discloses wherein the ACKs expected are based on at least one of voice and data (see col. 3, lines 14-24).

Allowable Subject Matter

5. Claims 2 and 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2686

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Honkasalo et al. (5,995,496) discloses a method of controlling transmission power in a packet-switched data transfer cellular radio system.

Rom (5,450,616) discloses a method for power control in a wireless LAN.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 19, 2004
CA


CHARLES APPIAH
PRIMARY EXAMINER